

**Remarks/Arguments:**

Claims 1-52 are pending.

Claims 1-21, 23-24, 26-44 and 46-52 are rejected.

Claims 22, 25 and 45 are indicated to be allowable if properly rewritten in independent form.

By this Amendment, claims 1-4, 8, 13, 17, 19, 21, 23, 25-28, 30-44 are amended. No new matter is presented by the claim amendments. Support for the claim amendments can be found throughout the original specification and, for example, in the original specification at page 13, lines 3-6.

**Allowable Subject Matter**

In the Office Action, at item 11, claims 22, 25 and 45 are objected to as being dependent on a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22, 25 and 45 have not been rewritten in independent form, because it is submitted that the respective independent claims are allowable.

**Rejection of Claims 33, 36-38 and 42 under 35 U.S.C. §112, second paragraph**

In the Office Action, at item 2, claims 33, 36-38 and 42 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Claims 33, 36 and 42 have been amended to overcome this rejection.

Reconsideration is respectfully requested.

**Rejection of Claims 36-38 under 35 U.S.C. §102(e)**

In the Office Action, at item 6, claims 36-38 are rejected under 35 U.S.C. §102(e) as being anticipated by Kasriel et al. (U.S. Patent Publication No. 2006/0036400, hereafter referred to as Kasriel).

Reconsideration is respectfully requested.

**Claim 36**

Claim 36 is directed to a method of determining a baseline for use in determining a quality ranking of user traffic comprised of a plurality of users, each user being directed from a traffic producer Web site to a traffic consumer Web site, and the user traffic having user traffic data associated with each user of the user traffic and the user traffic data being comprised of a plurality of traffic data parameters, and recites "directing the user traffic through the traffic quality intermediary from the traffic producer Web site to the traffic consumer Web site." That is, the user traffic data is directed through the traffic quality intermediary.

**Kasriel Reference**

Kasriel discloses a data collection system that collects statistics related to each web-page within a web-site using a two stage memory utilization process. In addition to collecting path information related to traversals to and from each web-page, the system collects information regarding a particular session, such as the visitor's connection speed, the time required to download the web-page to the visitor's system, and the duration that the visitor has spent at the location. Data is initially collected in a memory structures that optimize the processing time and memory space required to store each parameter related to the performance of each web-page. The data in these optimized memory structures is available for

immediate access by an interactive data-analysis system. (See Kasriel at paragraph [0012].) That is, Kasriel discloses the use of a data collection system but is silent regarding directing user traffic data through a traffic quality intermediary from the traffic producer Web-site to the traffic consumer Web-site.

Accordingly, it is submitted that claim 36 patentably distinguishes over Kasriel for at least the above-mentioned reasons.

**Claims 37 and 38**

Claims 37 and 38, which include all of the limitations of claim 36, are submitted to patentably distinguish over Kasriel for at least the same reasons as claim 36.

**Rejection of Claims 1-21, 23-24, 26-35 and 39-44 under 35 U.S.C. §103(a)**

In the Office Action, at item 9, claims 1-21, 23-24, 26-35 and 39-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kasriel in view of Spaid (U.S. Patent Publication No. 2004/0139192).

Reconsideration is respectfully requested.

Claims 1, 31-35 and 39-44, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Kasriel for at least similar reasons to those of claim 36.

Claims 2-21, 23-24 and 26-30, which include all of the limitations of claim 1, are submitted to patentably distinguish over Kasriel for at least the same reasons as claim 1.

**Spaid Reference**

The addition of Spaid does not overcome the deficiencies of Kasriel. This is because, Spaid does not disclose or suggest the traffic quality intermediary feature

(i.e., "directing using the link, user traffic data through the traffic quality intermediary from the traffic producer Web site to the traffic consumer Web site,") as required by claim 1 and similarly by the other independent claims. Instead, Spaid discloses a document server 130 which can provide server pages 150 and one or more document browser clients 110. Spaid further discloses a quality measurement process 300 which can statistically analyze log 162 to establish a quality measure for any particular visitor of the web site 140. (See Spaid at paragraph [0024].) The quality measurement process 300 is shown in FIG. 1 of Spaid to not be intermediary to the document server 130 and the browser client 110. Moreover, the quality measurement process 300 uses the logs 160 as a source of information for traffic analysis. Thus, there is no need for quality measurement process 300 to have user traffic data directed through it, from the traffic producer Web site to the traffic consumer Web site. This is because, the quality management process 300 simply uses the log file stored from document server 130 to accomplish the traffic analysis.

Accordingly, it is submitted that claims 1, 31-35 and 39-44 patentably distinguish over the combination of Kasriel in view of Spaid for at least the above-mentioned reasons.

**Claims 2-21, 23-24 and 26-30**

Claims 2-21, 23-24 and 26-30, which include all of the limitations of claim 1, are submitted to patentably distinguish over the combination of Kasriel and Spaid for at least the same reasons as claim 1.

**Rejection of Claims 46-52 under 35 U.S.C. §103(a)**

In the Office Action, at item 10, claims 46-52 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kasriel in view of Spaid in further view of Glommen et al. (U.S. Patent Publication No. 2004/0260807, hereafter referred to as Glommen).

Reconsider is respectfully requested.

Claims 46-52, which include all of the limitations of claim 31, are submitted to patentably distinguish over Kasriel in view of Spaid for at least the same reasons as claim 31.

**Glommen Reference**

The addition of Glommen does not overcome the deficiencies of Kasriel and Spaid. This is because, Glommen does not disclose or suggest, for example, "directing, using the link, user data traffic through the traffic quality intermediary from the traffic producer Web site to the traffic consumer Web site," as required by claim 31. Instead, Glommen clearly shows that FIG. 2, that traffic analyzer server 106 is not intermediate web site file server 104 and browser 102. Glommen is concerned with an internet based analysis tool to follow the flow of traffic through a web site. For every web site page requested by the web site visitor, the visitor's browser records data relating to the path taken through the web site for collection and further study. (See Glommen at paragraph [0046].) The state of the visitors browser path is maintained in a traffic analysis cookie that is passed between the traffic analysis server 106 and the visitors browser 102 with every web page requested. More particularly, in Glommen, the browser 102 requests an image file from traffic analyzer server 106 and requests a web site page from web site server

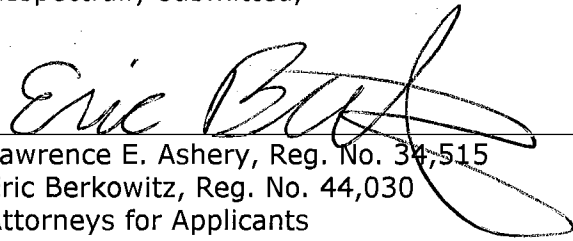
104. The image source file and a cookie are returned from the traffic analysis server 106, while the web page information is provided by web server 104. (See Glommen at paragraph [0066].) Thus, Glommen teaches away from directing user traffic data through a traffic quality intermediary from the traffic producer Web Site to the traffic consumer Web Site because in Glommen, for example, the web pages are not directed through the traffic analysis server 106.

Accordingly, it is submitted that claims 46-52, which includes all of the limitations of claim 31, patentably distinguish over Kasriel in view of Spaid, in further view of Glommen for at least the same reasons as claim 31.

#### **Conclusion**

In view of the claim amendments and remarks, Applicants submit the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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Dated: November 6, 2007

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